

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Whitesell Funeral Home, Inc.,)	C/A No.: 0:15-4237-TLW-SVH
)	
Plaintiff,)	
)	
vs.)	
)	
Bryant-Grant Funeral Home, LLC,)	ORDER
Wayne Bryson, Diane Moss, Denise)	
Williams, and Trisha Bigham,)	
)	
Defendants.)	
)	

Whitesell Funeral Home, Inc. (“Plaintiff”) brought this interpleader action on October 15, 2015, concerning a life insurance Policy No. 400339976 (the “Policy”) issued to Sanford Bryson (“Decedent”) in the amount of \$6,000. [ECF No. 1-2 at 2]. Plaintiff contends that defendants Bryant-Grant Funeral Home, LLC (“Funeral Home”), Wayne Bryson (“Son Bryson”), Diane Moss (“Daughter Moss”), Denise Williams (“Daughter Williams”), and Trisha Bigham (“Daughter Bigham”) (collectively “Defendants”) all have or may have claims to the funds. Plaintiff filed a motion pursuant to Fed. R. Civ. P. 67 to deposit proceeds of the Policy into the court and to be relieved of liability in this action. [ECF No. 6]. No party filed a response in opposition to the motion. The court grants the motion and orders that the Clerk of Court accept the insurance funds into the court’s registry for ultimate disposition by court order.

This matter is before the court on a review of the docket. Plaintiff served Defendants, except Daughter Bigham, with this action on October 20, 2015. Defendants

have not entered answers. Son Bryson submitted an unsigned letter stating in whole “Be it known that I do intend to appear to defend myself and my father’s wishes in the above matter.” [ECF No. 11].

I. Factual Allegations

The complaint alleges the following facts: Son Bryson and Daughter Moss are children from Decedent’s first marriage. Daughter Williams and Daughter Bigham are children from Decedent’s second marriage to Blanche Bryson (“Blanche”). Plaintiff’s owner and operator, Steven A. Whitesell (“Whitesell”) was friends with Decedent. Decedent and Blanche attended the Church of Jesus Christ of Latter Day Saints in Rock Hill, South Carolina (the “Mormon Church”).

On or about December 30, 2006, Blanche died and was buried by Plaintiff in a cemetery in Rock Hill affiliated with the Catawba Indian Nation with the funeral service comporting with the rituals and traditions of the Mormon Church. Thereafter, Decedent obtained the Policy. In 2008, Daughter Williams brought Decedent to Plaintiff to meet with Whitesell. At this meeting, Decedent: (i) expressed his desire to be buried by Plaintiff beside Blanche in the cemetery affiliated with the Catawba Indian Nation in Rock Hill; (ii) expressed his desire to have funeral services and a burial that comported with the rituals and traditions of the Mormon Church; (iii) expressed his concern that Son Bryson would not use the proceeds of the Policy to provide the funeral services and burial he desired, and (iv) asked Whitesell to help him ensure that he would receive the funeral services and burial he desired. Daughter Williams drafted a letter regarding the

2008 meeting. [ECF No. 1-1]. Decedent named Plaintiff as the beneficiary of the life insurance policy. [ECF No. 1-2].

Decedent's health declined and he eventually became incapacitated. Before and after his incapacity, Decedent was cared for in Rock Hill by a caretaker, Martha Ann ("Caretaker"), who married Son Bryson. In 2010, Son Bryson and Caretaker moved Decedent to a nursing home in North Carolina. Decedent died on January 23, 2014.

Son Bryson and/or Caretaker assert that before he died, Decedent told them: (i) he did not want to be buried beside Blanche in the Rock Hill cemetery affiliated with the Catawba Indian Nation; (ii) he did not want to receive funeral services and a burial that comported with the rituals and traditions of the Mormon Church; (iii) he wanted to receive a funeral service and a burial that comported with the rituals and traditions of Son Bryson's Baptist Church; and (iv) he wanted to be buried beside his parents and his twin brother in Pine Mountain, Georgia. However, Decedent did not remove Plaintiff as the beneficiary on the insurance policy, and neither Son Bryson nor Caretaker informed Plaintiff that Decedent did not wish to be buried in South Carolina.

On or about January 27, 2014, Defendant Funeral Home in North Carolina provided funeral services and a burial for Decedent that comported with the rituals and traditions of Son Bryson's Baptist Church in either North Carolina or Georgia. It is alleged that Defendant Funeral Home received partial payment for Decedent's funeral and burial from an insurance policy held by Daughter Moss. No probate estate was ever opened for Decedent.

Plaintiff filed a claim and received the proceeds of the Policy and preserved these proceeds [ECF No. 1-3]. Plaintiff claims no interest in the proceeds of the Policy. Based upon the facts set forth above and based upon the potential conflicting claims of Defendants, Plaintiff filed this interpleader action to have the court determine which Defendant or Defendants are entitled to the proceeds of the insurance policy.

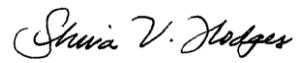
II. Discussion

In light of the absence of any answer having been filed in this case, the court directs Defendants to answer the following interrogatories on the attached form by submitting it to the court by June 6, 2016:

1. State your name, address, and relationship to Sanford Bryson.
2. List the names and addresses of all known living children of Sanford Bryson other than Wayne Bryson, Dianne Moss, and Denise Williams.
3. Check one of the following:
 - As a child of Sanford Bryson, I claim an interest in the funds from the Policy and ask the court to issue me a check for my share.
 - I disclaim any interest and/or right I may have in the Policy funds.

Once the court receives the completed forms, the undersigned will issue a Report and Recommendation to the presiding District Judge concerning the distribution of the funds from the Policy. Any defendant's failure to return the completed form will result in a recommendation that the defendant not receive any portion of the Policy funds.

IT IS SO ORDERED.



May 5, 2016
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge